

## EXHIBIT 16

## NORTH JERSEY DEVELOPMENTAL CENTER

## REQUEST FOR TIME OFF

<b>EMPLOYEE</b>		DATE: <u>11/19/04</u>	
NAME: <u>PHYLLIS ATKINSON</u>	DIVISION: _____	UNIT: _____	
Dates Requested: <u>11/24/04</u> <u>11/23/04</u> <u>11/29/04</u> <u>11/30/04</u>			
Charge	Balance	Requested	Remaining
<input type="checkbox"/> Vacation Leave - In Hours	_____	_____	_____
<input checked="" type="checkbox"/> Compensatory Time - In Hours	_____	<u>28</u>	_____
<input type="checkbox"/> Sick Leave - In Hours	_____	_____	_____
<input type="checkbox"/> Administrative Leave - In Hours	_____	_____	_____
<input type="checkbox"/> Release - In Hours	N/A	_____	N/A
Purpose of Release: <u>N/A</u>			
During my absence _____		Ext No. _____	Will be in charge _____

## SUPERVISOR

DATE: 11/19/04

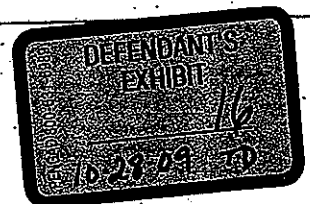
Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

(signature)

(signature)



## EXHIBIT 17

HCC - Unit 2 Nursing (72)

Date: February 14, 2005.

Monday

[illegible]

Sign in and out: All employees are required to sign in and out. No employee is authorized to sign in or out for another employee. All times must be recorded accurately.

Date: \_\_\_\_\_

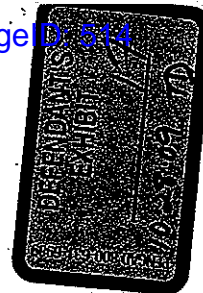
**Preparer's Signature**

**Supervisor's Signature**

Date:

**Date:**  
**Page:**

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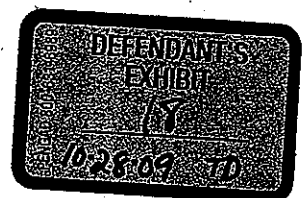


## EXHIBIT 18

# PHONE CALL

NAME <u>Michael J. Lee</u>		DATE <u>10-14-09</u>	TIME <u>10:45 AM</u>
OF			
PHONE/			
MOBILE			
MESSAGE <u>1 hr late</u>	FAX		
<input checked="" type="checkbox"/> TELEPHONED			
<input type="checkbox"/> RETURNED YOUR CALL			
<input type="checkbox"/> PLEASE CALL			
<input type="checkbox"/> WILL CALL AGAIN			
<input type="checkbox"/> CAME TO SEE YOU			
<input type="checkbox"/> WANTS TO SEE YOU			

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## EXHIBIT 19

red 2/28/05  
(initials)

February 27, 2005

To: Mrs. Roxanne Lotts, DON

From: Ms Phyllis Atkinson, PCT

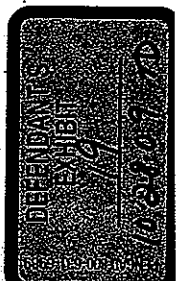
Re: Red A and written warning

In reference to the red A that I received on February 14, 2005 and the written warning from Ms Wolke, ADON, dated February 15, 2005; it is unfair! And it is unjust. I feel that it is retaliation from Ms Wolke, because of the previous complaint letters that I wrote against Ms Wolke on September 28, 2004 and December 1, 2004. It was in those letters that I requested to be protected from Ms Wolke threats and harassments. I have made several verbal complaints to you about Ms Wolke, requesting desperately to be protected from her unprofessional behavior, yet I stand today defending myself from the very thing I requested to be protected from, just as I had feared her threats became a reality.

It is to my understanding according to the N.J.D.C policy that a red A is given for no call, and no show, how is it justified that I received a red A?

On February 14, 2005 I had an emergency, I realized that I was not going to be on duty at my schedule time so I made a call to the N.J.D.C operator informing her that I was going to be late. After a short while had passed I was still dealing with my crises, so I made a call back to N.J.D.C and spoke directly to my supervisor, I requested for an Administrator leave day, but immediately after ending that call my problem was resolved, so I called back to my work area and spoke with my supervisor again requesting him to cancel the Administrator leave day, because I am able to come on duty. Not only did I

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make several calls notifying my supervisor making him aware of what was happening, but I also came to work.

According to N.J.D.C policy, as an employee of N.J.D.C you are expected to call in one hour before your scheduled time on duty if you are going to be out sick, not if you have an emergency. No one can possibly know when an emergency will occur so that would be a ridiculous request. To have someone call in one hour before an emergency to let the job know they will be late. The only way that could be done if you know about the emergency previously.

It was to my understanding that the original accusation that Ms Wolke made against me, was that I asked her to falsify the time sheet. If Ms Wolke who is an Administrator for N.J.D.C and has the authority to correct me, or charge me at the time that the incidence occurred, would have given indication that she had good intention, of doing her job, also Ms Wolke who is an Administrator of N.J.D.C and my in-direct supervisor, having the authority to release me from my duty, instead she allowed me to continue working without giving me any indication that I was not within N.J. D.C policy and procedures. Ms Wolke converse with me several times during that day, and never utter a word that I was not within N.J.D.C. policy and procedure. In fact she laugh and talk with me as if everything was fine for the most part of that day, when I got ready to leave at the end of that day, I noticed that the mail bag which was full of out going mail, was hanging on the Hcc nurses station door, as I had did so many times previously I would take the mail over at the end of my shift and distributed it into the mail boxes which takes about twenty minutes or less depending on the amount of mail. Well because it was raining that evening, and it was at the end of the day, and I did not feel like returning back to the Hcc to sign out, I asked Ms Wolke to sign me out, giving me the expression that everything was okay I left and told her that I would call her on her cell phone to remind her but, I forgot to call her back so the next morning I check to see if she had signed me out and was informed that I receive an red A. I immediately call Ms Wolke and I asked her why didn't she sign me out, and she told me that she forgot

because she was conducting a meeting. I had no idea that it was Ms Wolke who was charging me with the red A.

I feel that if Ms Wolke felt that strongly against what I was asking her to do, She as an Administrator for the N.J.D.C should and could have corrected me then.

If a thorough investigation was to be done you will find that a lot of my rights as an employee were violated by Ms Wolke, I had every right to be informed that I was not going to get paid for that day and should have been excused from work as soon as I reported in, I can't help but to think that this is the reason why she decided to take another route to make her threats a reality. Ms Wolke's original accusations against me were not genuine.

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The complaint letter that I wrote you in December 1, 2004, I describe to you in detail of how Ms Wolke repeatedly threaten me verbally using the words "I will fix you." over and over again.

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Ms Wolke has caused an enormously amount of stress in my life, to the extent that I am feeling physically sick. I am experiencing anxiety attacks mental confusion, when I am on the job and a number of other health problem. Working from day to day not knowing what she might try next is very frightening, I requested for protection from these threats, but she managed to succeed in carry them out. I was hoping that the complaint that I had against Ms Wolke would have be resolve, before Ms Wolke had the opportunity to carry out her threats.

Because Ms Wolke was allowed to bring unjustly charges against me and caused me to receive a written warning and a red A; I am left with no other alternative, but to allow this complaint to another level under no circumstances will I allow unjustly charges to be gained written on my work record without defending myself.

Throughout the twenty-five years that I have worked at N.J.D.C. I have been Pre-judge as being aggressive, but I am not an aggressive person, I am an assertive person. I am a secure person, and my self-esteem in myself is very high; Because of these strong characteristics I have been miss-judge by those who lack them, I have been called arrogant and hard to deal with. But it is a known fact in America that people will judge you on what they hear about you, I learned a long time ago not to judge people according to what I hear about them, but on the facts alone and the only way you can determine true facts is to hear both sides of the story. If I were to judge my co-workers, on what I heard about them, I would have little or no respect for most of them.

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I am known for my honesty among most of my peers, and I try to deal with situation and circumstance in the right way. I am a Christian, and I struggle everyday to live a Christ like life, like anyone I have my issues and weakness, "perfect" far from it but I certainly don't spend my time plotting against my co-workers, it is very difficult to live a Christian life around people such as Ms Wolke, when I wrote my last complaint against Ms Wolke, in December 1, 2004 I had decided then that I will only deal with Ms Wolke on a work related level only, but because she gave me a Christmas gift and she wrote a little note on the name tag requesting that she wanted to make amends and be my friend. I made the un-wise decision to socialize with her again in general conversation. I Believed that Ms Wolke was sincere when she wrote that note, but now I realize I was deceived by Ms Wolke, she never had any good intention when she ask me to be her friend again.

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As I wrote in my previous complaint letter I have a right to be protected from this type of behavior from someone who is representing N.J.D.C. Administrative Department.

She continue as of this day to harass me and make my job miserable she is checking the calendar and involving the Hcc supervisor to constantly ask me question about a medical trip that is not due. I cannot work under this type of stress and I will not continue to put my health at risk because of her unjustly action.

What's appalling to me is that I made several complaints against her on several occasions and nothing has ever been done yet to protect me from her un-professional behavior. She made one accusation against me, and action is taken against me immediately as if I committed a major crime. I almost feel like I'm waiting to get lynch by N. J.D.C what's up with that? Is my question, and now the time has come for me to seek and find the answer at the next level.

Attached you will find a copy of the two previous letters that I wrote and a copy of the Christmas name tag that Ms Wolke used to lure me back into her web of deception.

I had problems with my par with Ms Wolke

I had problems with working overtime with Ms Wolke

~~I had problems with my vacation being approved and a number of other problems.~~

I would appreciate your attention in this matter as soon as possible

Cc: file  
Affirmation Action  
Union

## EXHIBIT 19A

**CONFIDENTIAL INCIDENT STATEMENT**  
**DIVISION OF DEVELOPMENTAL DISABILITIES** **DEVELOPMENTAL CENTER**

Date of Incident: 2/14/05 Time of Incident: 1:20 o AM/ o PM  
 Location of Incident: HCC Person(s) involved in the Incident: PHYLLIS ATKINSON  
 Type of Incident (e.g. assault, abuse, fall etc.) \_\_\_\_\_ Incident # if applicable: \_\_\_\_\_

Person providing the statement: MIKE BUONAGURIO Date: 2/15/05 Time: 2:30 o AM/ o PM  
 Name/Title \_\_\_\_\_

Work location of employee HCC

Residence if not an employee \_\_\_\_\_ relationship/affiliation \_\_\_\_\_

Statement provided through interview Yes o / No ☒

If yes, Name/Title of Interviewer: \_\_\_\_\_ Location of Interview: \_\_\_\_\_

STATEMENT: ON 2/14/05 <sup>1:20 PM</sup> PHYLLIS ATKINSON HAD CALLED  
 THE HCC REQUESTING AN EMERGENCY AL DAY TO COMPLETE  
 A PENDING PERSONAL MATTER WITH HER ADOPTED CHILDREN  
 THIS WRITER HAD GRANTED THE AL DAY. AT 1:35 PM  
 MS. ATKINSON REPORTED TO WORK CANCELLING THE AL  
 DAY & STATING "THAT SHORTLY AFTER CALLING, THE  
 HEARING TOOK PLACE & SHE WAS ABLE TO COME  
 TO WORK."



Continued on next page o

Mike Buonagurio RN 2/15/05  
 signature of person making statement date

signature of interviewer if applicable

If assistance was provided to a service recipient to write statement:

name of staff providing assistance

signature of staff providing assistance

Incident Statement 11/24/04

## EXHIBIT 20



STATEMENT OF: Phyllis Atkinson  
TAKEN BY: Ed McCabe  
TAKEN AT: North Jersey Developmental Center  
DATE: June 7, 2005  
WITNESS:

Q. I am Ed McCabe from the Department of Human Services Equal Employment Opportunity Office. I am investigating allegations of employment discrimination. You have been identified as the complainant of these allegations. As such, you are required to answer all questions truthfully and your responses will be kept confidential to the degree the law allows. Also, you are protected by law and State Policy from retaliation. If you think you are the victim of retaliation, please contact the North Regional Office of EEO at 973.648.3237. This office is located at 153 Halsey Street, 7<sup>th</sup> floor, Newark, NJ 07102. Do you understand?

A. Yes.

Q. What is your full name?

A. Phyllis Atkinson

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Q. What is your race, age, and gender?

A. African American, female, 48

Q. What is your mailing address?

A. 317 East 30<sup>th</sup> Street, Paterson, NJ 07504

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Q. What is your work and home e-mail address, if any?

A. phyllis.atkinson@dhs.state.nj.us

Q. Where do you work now?

A. Health Care Center

Q. Where did you work at the time of this incident?

A. Health Care Center

Q. What is your job title?

A. Principal Clerk Transcriber

Q. What is your date of hire?

A. August 12, 1980

Q. Do you currently work with Carole Wolke?

A. I haven't had any contact with her since I returned from leave of absence on June

1.



EM Pa



Q. Of what supervisory relationship is she to you, if any?  
A. She is an indirect supervisor.

Q. What was it at the time of the complaint?  
A. The same, except when the Head Nurse quit, she directly supervised me.

Q. In the PAR you disputed, did anyone tell you why you were reduced from a score of 27 to 24?  
A. No.

Q. Did anyone tell you it was because you weren't entering client data?  
A. No.

Q. How was Ms. Corrado treated differently?  
A. She is white and was sent to do consent forms, which used to be part of my job. She got a new desk, chairs, computer and everything. I didn't get anything new until six months later.

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Q. ~~What happened with your vacation request in 2004?~~  
A. I requested the Monday after Thanksgiving off. I did this in March but never got an answer. Ms. Wolke denied the Monday off. It was in writing. Ms. Lotts finally gave me that day. Carole at first said I didn't request it, which wasn't true.

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Q. ~~You received a Red A for attendance, which you dispute. Do you come in on time?~~  
A. I don't always come in on time because I'm a foster parent and have child care issues. However, I always call when I won't be on time and I work my seven hours. For this time, I went to Roxanne and asked about it and she said Carole said I came in late without filling out a form. I did call because I had to be in court for one of my kids.

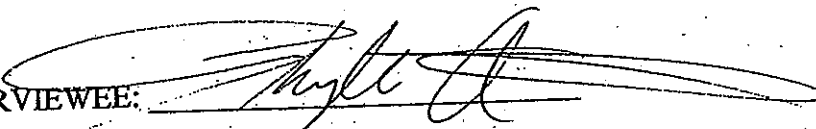
Q. Who witnessed Ms. Wolke telling you, "I will fix you?"  
A. Judy Hernandez and Risa Olando.

Q. What would you like to happen as a result of this investigation?  
A. I would like to take it to the highest extent so she couldn't treat people this way. She should be disciplined and reprimanded. I think I should be compensated with punitive damages for the months I was out of work.

Q. Are you able to work with her if this type of behavior stops?  
A. If I could be assured that that type of behavior wouldn't happen, I could. Right now I am afraid to be around her.

Q. Is there anything you would like to add?  
A. No.

I have reviewed this statement and made corrections and additions as I saw fit. The foregoing is the truth and it is all I know about this incident. I understand this is a confidential investigation and I am not to reveal any of its details to other employees without authorization.

INTERVIEWEE: 

INTERVIEWER: 

DATE: 6/7/05